

RESOLUTION NO. 4908

A RESOLUTION ACCEPTING THE FOLLOWING RIGHT-OF-WAY DEDICATION AND SLOPE EASEMENT:

Grantor

W.J. Houfek  
Adeline M. Houfek  
Russell J. Sell  
Brenda E. Sell


Purpose

A permanent right-of-way dedication and slope easement as shown on attached EXHIBIT B and in described in attached EXHIBIT A.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this right-of-way dedication and slope easement; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage by the Council and approval by the Mayor.

DATED AND EFFECTIVE THIS 22ND DAY OF OCTOBER 2003.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

RIGHT-OF-WAY DEDICATION  
AND  
SLOPE EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that **W. J. Houfek and Adeline M. Houfek, and Russell J. Sell and Brenda E. Sell**, hereinafter called Grantors, do dedicate to the City of Albany, a Municipal Corporation, herein called "City" for right-of-way and easement purposes, portions of that real property situated in Linn County, Oregon, being purchased by Grantors Sell from Grantors Houfek by contract, recorded in M 957-172, Linn County deed records, and being more particularly described as follows:

RIGHT OF WAY DEDICATION, more particularly described as Tract 1 in attached EXHIBIT A and shown in attached EXHIBIT B; and a

SLOPE EASEMENT, more particularly described as Tract 2 in attached EXHIBIT A and shown in attached EXHIBIT B.

The Grantors covenants that they are lawfully seized and possessed of the real property above described and that they have a good and lawful right to convey it or any part thereof and that they will forever warrant and defend the same against all persons who may lawfully claim the same.

The deed and easement dedicated herein are in consideration of \$1.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.

WITNESSETH:

This agreement is subject to the following terms and conditions:

1. The slope easement described herein grants to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easements at any time that it may see fit, for construction, maintenance, evaluation, and repair purposes.
2. Upon performing any maintenance, the City shall return the site to original or better condition.
3. No permanent structure shall be constructed on the easement.

Return to: City of Albany - Recorder  
P.O. Box 400, Albany, OR 97321

IN WITNESS WHEREOF, the Grantor has hereunto fixed his hand and seal the day and year written below.

GRANTOR: W. J. HOUFEK

By: W.J. Houfek  
W.J. Houfek

Date: 8-4-03

STATE OF CALIFORNIA )  
County of Imperial ) ss.  
City of Brawley )

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of August 2003, by W. J. Houfek, as his voluntary act and deed.

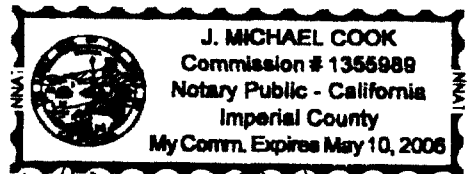
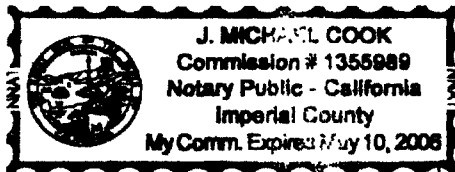
GRANTOR: ADELINE M. HOUFEK

By: Adeline M. Houfek  
Adeline M. Houfek

Date: 8-4-03

STATE OF CALIFORNIA )  
County of Imperial ) ss.  
City of Brawley )

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of August 2003, by Adeline M. Houfek, as her voluntary act and deed.



J. Michael Cook  
Notary Public for California  
My Commission Expires: May 10, 2006

J. Michael Cook  
Notary Public for California  
My Commission Expires: May 10, 2006

GRANTOR: RUSSELL J. SELL

By: Russell J. Sell  
Russell J. Sell

Date: 10/9/03

STATE OF OREGON )  
County of LINN ) ss.  
City of ALBANY )

The foregoing instrument was acknowledged before me this 9 day of OCTOBER 2003, by Russell J. Sell, as his voluntary act and deed.

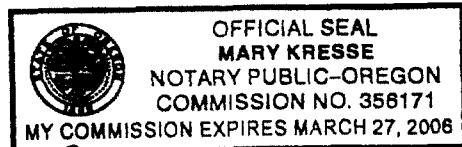
GRANTOR: BRENDA E. SELL

By: Brenda E. Sell  
Brenda E. Sell

Date: 10/9/03

STATE OF OREGON )  
County of LINN ) ss.  
City of ALBANY )

The foregoing instrument was acknowledged before me this 9 day of OCTOBER 2003, by Brenda E. Sell, as her voluntary act and deed.



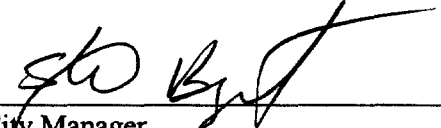
Mary Kresse  
Notary Public for Oregon  
My Commission Expires: March 27, 2006

Mary Kresse  
Notary Public for Oregon  
My Commission Expires: March 27, 2006

CITY OF ALBANY:

STATE OF OREGON )  
County of Linn ) ss.  
City of Albany )

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4908 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 22 day of October 2003.

  
\_\_\_\_\_  
City Manager

ATTEST:

  
\_\_\_\_\_  
City Recorder



## EXHIBIT "A"

City of Albany

Vestee: W.J. Houfek and Adeline M. Houfek

Tax Map No. 11S04W24DA-00500

Tract 1 (Right-of-way)

Beginning at a point on the South right-of-way line of S.W. 51st Street at its intersection with the West right-of-way line of Highway 99E, which point bears South 00°44'22" East 1425.93 feet and South 89°15'38" West 39.58 feet from the Northeast corner of the Robert E. Harmon Donation Land Claim No.77 situated in Section 24, Township 11 South, Range 4 West, Willamette Meridian in Linn County, Oregon;

thence South 00°32'15" East along the West right-of-way line of said Highway 99E, a distance of 99.00 feet to the South line of tract 5, HARMON TRACTS as platted and recorded in Book of Town Plats for Linn County, Oregon;

thence North 89°38'00" West along said South line a distance of 9.50 feet;

thence Northerly along the arc of an offset spiral curve to the right, said offset spiral being 59.50 feet Westerly of and parallel with the centerline of Highway 99E, (the chord of which bears North 00°32'40" West 33.31 feet) an arc distance of 33.31 feet to a point opposite Engineer's Station P.S. 571+67.91;

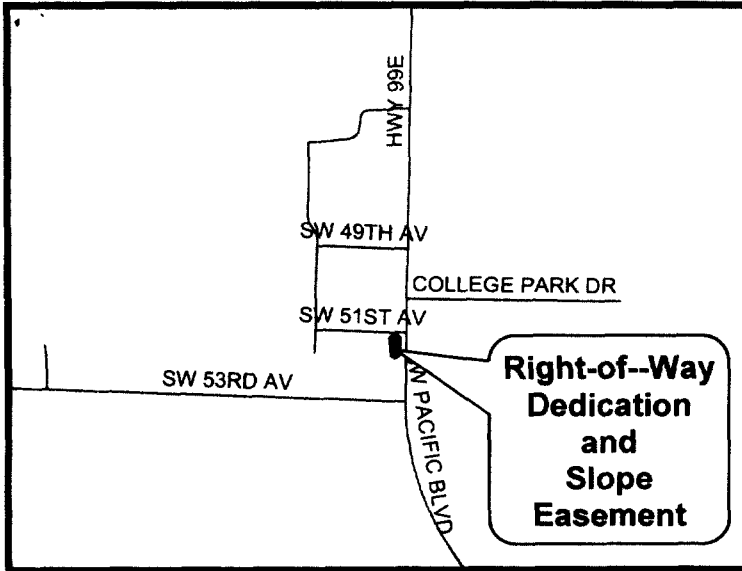
thence North 00°32'15" West parallel with said centerline, a distance of 65.69 feet to a point on the South Right-of-Way line of said 51st Street;

thence South 89°38'00" East along said Right-of-Way line, a distance of 9.50 feet to the Point of Beginning and containing 940.4 square feet of land, more or less.

Tract 2 (Slope Easement)

a 6.00 foot wide strip of land lying parallel with and contiguous to the Westerly line of Tract 1.

Contains 594.0 square feet of land, more or less.



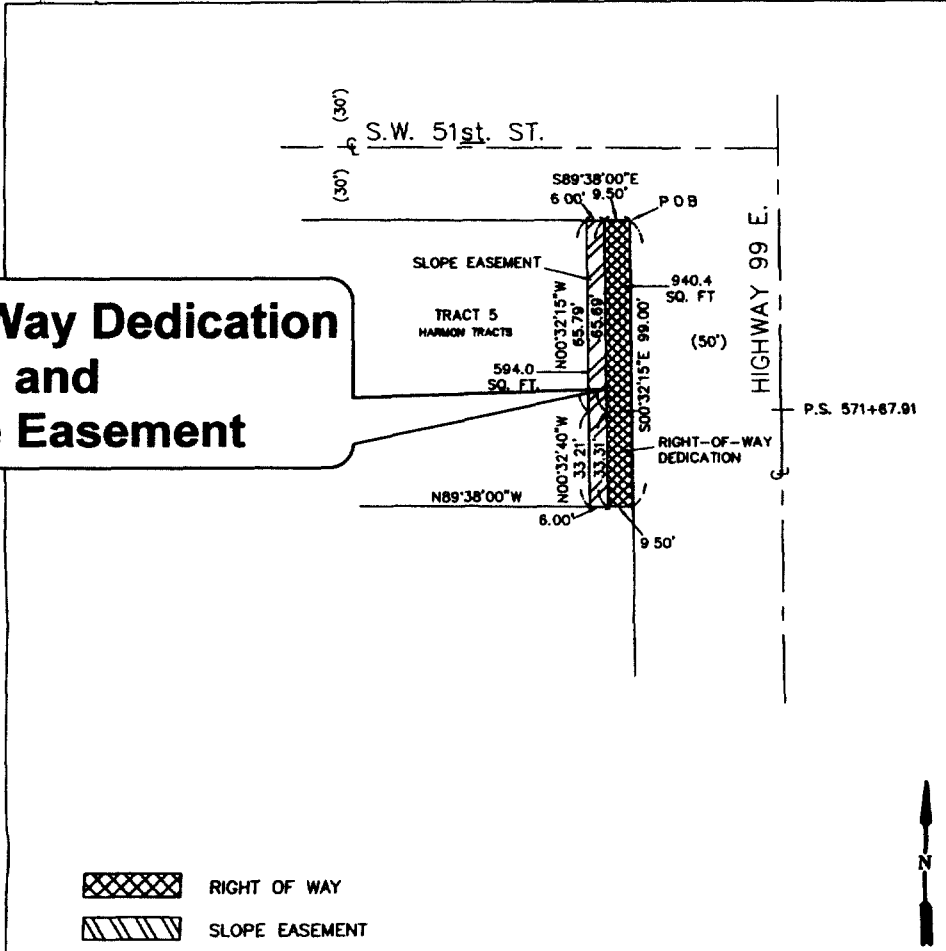
VICINITY MAP

W.J. Houfek  
 Adeline M. Houfek  
 Russel J. Sell  
 Brenda E. Sell

11S04W24DA00500  
 1038 51ST Ave. SW  
 City of Albany  
 Linn Co., OR

Right-of-Way Dedication  
 and Slope Easement  
 Street Improvement  
 S.W. 53rd Avenue

**Right-of-Way Dedication  
 and  
 Slope Easement**



RIGHT OF WAY  
 SLOPE EASEMENT

<p><b>EXHIBIT "B"</b>                  STREET IMPROVEMENT                  S.W. 53rd AVENUE</p>	<p><b>MAP IS NOT                  TO SCALE</b></p>	<p>CITY OF ALBANY                  DEPARTMENT OF                  PUBLIC WORKS</p>
<p>W.J. &amp; ADELINE HOUFEK                  S.W. PACIFIC BLVD.                  M.F. 957 PAGE 172</p>	<p>TAX MAP 1104W24DA - 500                  LINN COUNTY, OREGON</p>	<p>ACQUISITION MAP</p> <p>P.N. ST-98-01</p> <p>BY: B.S.C. DATE: 2-28-03</p>

STATE OF OREGON  
County of Linn

I hereby certify that the attached  
was received and duly recorded  
by me in Linn County records.

STEVE DRUCKENMILLER  
Linn County Clerk

M  
R  
S  
A  
O

25  
70  
5  
2003 DEC -2 P 2:54  
51

MF 1521

By UAB Deputy PAGE 938

Resolution No. 4908

Recorded Document Recorder File 4338